

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHRISTOPHER MANNERS, <i>et al.</i>)	
)	Civil Action No. 2:12-cv-00442 MRH
Plaintiff(s),)	
)	U.S. District Judge Mark R. Hornak
v.)	
)	<i>Electronically Filed</i>
FIFTH THIRD BANK, <i>et al.</i>)	
)	
Defendant(s))	

**AMENDED STIPULATION SELECTING ADR PROCESS SUBMITTED BY
PLAINTIFFS AND FIFTH THIRD DEFENDANTS**

Counsel for the named Plaintiffs, and Fifth Third Bank, Fifth Third Mortgage Company and Fifth Third Mortgage Insurance Reinsurance Company (the “Fifth Third Defendants”), report that they have met and conferred regarding Alternative Dispute Resolution (ADR) and have reached the following stipulation pursuant to L.R. 16.2 and the Court’s ADR Policies and Procedures.

I. PROCESS

Select one of the following processes:

- ☒ Mediation
- ☐ Early Neutral Evaluation (ENE)
- ☐ Court sponsored Binding¹ Arbitration
- ☐ Court sponsored Non-binding Arbitration
- ☐ Other (please identify process and provider)

If you are utilizing a private process, be advised that the case is still governed by the Court’s ADR Policies and Procedures. It is the responsibility of counsel to ensure that all of the proper forms are timely submitted and filed, as required by Policies and Procedures.

II. COSTS

The parties have agreed to share the ADR costs as follows (do not complete percentages for Court sponsored arbitration. For that process, costs are paid by the Court in accordance with 28 USC §658.):

¹ For binding arbitration, please complete form “Stipulation to Binding Arbitration” located on the Court’s website at www.pawd.uscourts.gov.

50 % by Plaintiffs
50 % by Fifth Third Defendants

If a dispute arises as to compensation and costs for the mediator/neutral evaluator/private arbitrator, the Court will set reasonable compensation and costs.

III. NEUTRAL

The parties hereby designate by agreement the following individual to serve as a Neutral in the above-styled action:

Name of Neutral:	John Bickerman – Bickerman Dispute Resolution, PLLC
Address of Neutral:	1201 New York Ave., NW, Washington, DC 20005
Telephone & FAX Numbers:	202-289-3330; 202-499-4770
Email address of Neutral:	jbickerman@bickerman.com
<u>Date of ADR Session:</u>	June 10, 2014

Plaintiffs and the Fifth Third Defendants represent that they have contacted the selected prospective neutral and have determined that the neutral is available to conduct the ADR session within the time prescribed by the Court's Policies and Procedures and that the neutral does not have a conflict.

IV. PARTICIPANTS

Name and title of the individual(s) who will be attending the mediation or early neutral evaluation session, **in addition to counsel**, in accordance with **Section 2.7 (Attendance at Session)** of the Court's ADR Policies and Procedures:

For Plaintiff(s)	Upon agreement of the parties, all 8 named plaintiffs will not be attending the mediation in person, but will be available by phone and/or email for <u>the duration of the mediation.</u>	Christopher Manners, Jamie Young, Aimee Young, Cynthia Floyd, Brent Shank, Rose Shank, William Ruba and Erica Ruba – <u>Named Plaintiffs</u> Name and title
For Fifth Third Defendant(s)	<u>Fifth Third Bank</u>	Gregory Sova, Esq. – <u>Vice President & Counsel</u> Name and title

If there is insufficient space to list all parties who will be attending the session, please add additional sheets as necessary.

Each undersigned party certifies that the representative(s) attending the ADR session on its behalf has full and complete settlement authority, **as specified in sub-section (A)(1-3) of the above section of the Court's ADR Policies and Procedures.**

V. ACKNOWLEDGMENT

We, the undersigned parties to this action, declare that this stipulation is both consensual and mutual.

Dated: May 6, 2014

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